REMARKS

Applicants have amended claims 1, 14, and 16, and added new claim 21. Claims 2, 3, 5, 6, 15, and 18 are canceled, without prejudice. Claims 1, 4, 7-14, 16, 17, and 19-21 are presented for examination. Favorable reconsideration is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1, 2, 7, 8, 10-14, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,893,555 (Leyland) in view of U.S. Pat. No. 3,817,172 (Horton) and U.S. Pat. No. 2,887,051 (Maunder).

Claims 3, 9, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyland in view of Horton and Maunder as applied to claims 2 and 14 above, and further in view of U.S. Pat. No. 2,763,893 (Hall).

As shown above, Applicants has amended independent claim 1 to recite that "preheating the work piece surface comprises: sensing a characteristic of the workpiece surface by means of a sensor, wherein the characteristic is selected from the group consisting of color, roughness, and material type; and forwarding data indicative of the sensed characteristic to an evaluation device that subsequently adjusts a heating power of the heating device based, at least in part, on the sensed characteristic data." In view of these amendments, withdrawal of the art rejections is respectfully requested.

Leyland, Horton, Maunder and Hall, whether taken alone or in any proper combination do not describe or render obvious "sensing a characteristic of the workpiece surface by means of a sensor, wherein the characteristic is selected from the group consisting of color, roughness, and material type; and forwarding data indicative of the sensed characteristic to an evaluation device that subsequently adjusts a heating power of the heating device based, at least in part, on the sensed characteristic data."

The Office action correctly acknowledges that the combination of Leyland, Horton, and Maunder does not teach sensing texture of the surface to be printed by means of a sensor; and forwarding data indicative of the sensed texture to an evaluation device that subsequently adjusts

the heating power of the heating device.[1] In this regard, the Office action apparently adds Hall for teaching "sensing the temperature of a piece to be embossed/stamped with a pyrometer, and controlling the temperature of the work piece based on the sensed temperature."[2] However, Hall still does not cure the deficiencies of Leyland, Horton, and Maunder discussed above. Specifically, Hall does not disclose or render obvious "sensing a characteristic of the workpiece surface by means of a sensor, wherein the characteristic is selected from the group consisting of color, roughness, and material type; and forwarding data indicative of the sensed characteristic to an evaluation device that subsequently adjusts a heating power of the heating device based, at least in part, on the sensed characteristic data." Although not disclosed by Hall, the Office action contends that the pyrometer of Hall is capable of sensing a texture of an object.[3] However, even assuming, without conceding that Hall's pyrometer is capable of sensing surface texture, Hall still does not disclose or suggest utilizing the pyrometer to sense surface texture or any other surface characteristic (e.g., color, material type, etc.). Nor does Hall either teach or suggest adjusting the heating based on sensed surface characteristic data. Rather, it would seem that Hall relies solely on a measured temperature in making adjustments to heating. Accordingly, even if Leyland, Horton and Maunder were combined with Hall in the manner suggested by the Office action, the resulting hypothetical combination would still fail to disclose or to suggest the foregoing features of claim 1. Accordingly, claim 1 is believed to be patentable.

As shown above, Applicant have amended independent claim 14 to recite that "preheating the work piece surface comprises: sensing a characteristic of the work piece surface, wherein the characteristic is selected from the group consisting of color, roughness, and material type, and adapting a heating power of a work piece surface heater based, at least in part, on the sensed characteristic of the work piece." Accordingly, claim 14 is believed to be patentable at least for substantially the same reasons as set forth above with regard to claim 1.

---

[1] See Office action dated November 28, 2009 at page 8.

[2] See Office action of November 28, 2008 at page 8 (citing Hall at col. 4, lines 16-30).

[3] See id. at page 2.

Each of the dependent claims is believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim, in light of the foregoing amendments, and, as such, has not been discussed specifically herein.

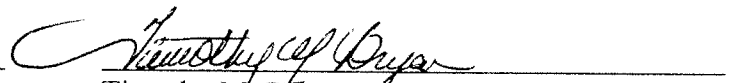
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The fee in the amount of $130 for the extension of time is being paid concurrently herewith. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket no. 02894-0729US1.

Respectfully submitted,

Date: March 26, 2009



Timothy M. Bryan
Reg. No. 62,791

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

22082697.doc